

Serial No. 10/620,811  
Monday, January 30, 2006  
Page 6

### REMARKS

Claims 1-20 are now pending in this application. Reconsideration is requested.

The rejection of claims 1-6, 13 and 14 under 35 U.S.C. § 102(e) as being anticipated by Arrigo et al., U.S. Patent No. 6,781,570 ("Arrigo"), is respectfully traversed. Contrary to the present invention as claimed, Arrigo does not disclose a sensor for sensing a physical characteristic of a radio channel to cause a data collection unit to enter a normal operating mode if the physical characteristic meets a preset threshold. Instead, Arrigo discloses a touch sensor to detect activity and thus switch the device between different power modes. Arrigo discloses that the touch sensing technology may include both direct as well as proximity sensing technology. In neither event, however, is a physical characteristic of a radio channel sensed to switch the device between different power modes.

The Office action relies upon col. 5, lines 25-37 as support for such feature. However, it is apparent from line 37-40 that the received signal is an alert to a user that some action must be taken by the user (such as to buy or sell a stock). The received signal is not used to determine whether the device should enter a normal operating mode as claimed. To the contrary, the device must already be in a normal operating mode in order for the signal to be detected by the transceiver.

Claims 15 and 20 have been added to even more explicitly distinguish the invention from the prior art Arrigo device. These claims require that the device be caused to enter the normal operational mode from the low-power mode upon sensing of a predetermined change in signal characteristic. Arrigo fails to disclose any such operation.

The rejection of claims 7-12 under 35 U.S.C. § 103(a) as being unpatentable over Arrigo in view of Hinckley et al., U.S. Published Application No. 2002-0021278 ("Hinckley") also is respectfully traversed. Hinckley discloses a device having multiple sensors which sense the manner in which the device is being handled by a user. Context values developed in response to the sensor signals are then used to control the operation of one or more aspects of the device. Hinckley is simply irrelevant to Arrigo and irrelevant to the claimed invention. The Arrigo device is not disclosed as operating differently based on a manner in which it is being handled. As such, there exists no

Serial No. 10/620.811  
Monday, January 30, 2006  
Page 7

motivation for one skilled in the art to have modified Arrigo as proposed in the Office action. However, Hinckley further fails to cure the fundamental deficiency of Arrigo in disclosing the features of the claimed invention as discussed above. Therefore, even if Hinckley were to be used to modify Arrigo as stated in the Office action, the claimed invention still would not be achieved. Reconsideration and withdrawal of this ground of rejection is therefore requested.

### Conclusion

In view of the foregoing, claims 1-20 are respectfully submitted to define patentable subject matter over the prior art of record, whether considered individually or in combination. Accordingly, favorable reconsideration and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Vincent M. DeLuca Attorney for Applicants Registration No. 32,408				
SIGNATURE	Vincent M DeLuca			DATE	30 JAN 06 (Monday)
Address	Novak, Druce, DeLuca & Quigg LLP 1300 I Street, N.W., Suite 400 East Tower				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-659-0100	Fax	202-659-0105